

ORIGINAL



**IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF OKLAHOMA**

A FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

NOV 30 2021

JOHN D. HADDEN
GLENN

LUBUTO MUSONDA,

Petitioner,

V.

No. PC-2021-681

STATE OF OKLAHOMA,

Respondent.

ORDER AFFIRMING DENIAL OF POST-CONVICTION RELIEF

Petitioner, through counsel Debra K. Hampton, appeals the denial of post-conviction relief by the District Court of Tulsa County in Case No. CF-2015-770. Before the District Court, Petitioner asserted he was entitled to relief pursuant to *McGirt v. Oklahoma*, 140 S.Ct. 2452 (2020). In *State ex rel. Matloff v. Wallace*, 2021 OK CR 21, __ P.3d __, this Court determined that the United States Supreme Court decision in *McGirt*, because it is a new procedural rule, is not retroactive and does not void final state convictions. See *Matloff*, 2021 OK CR 21, ¶¶ 27-28, 40.

The conviction in this matter was final before the July 9, 2020 decision in *McGirt*, and the United States Supreme Court's holding in

EXHIBIT 12

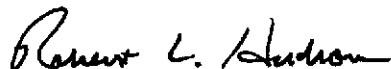
McGirt does not apply. Therefore, the District Court's order denying post-conviction relief is **AFFIRMED**. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2021), the **MANDATE** is **ORDERED** issued upon the delivery and filing of this decision.

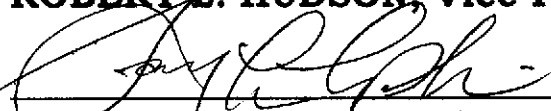
IT IS SO ORDERED.

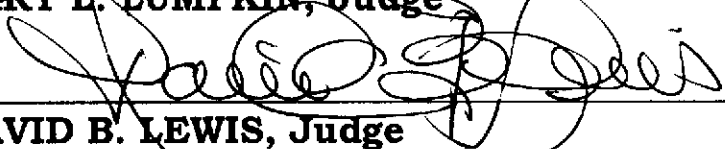
WITNESS OUR HANDS AND THE SEAL OF THIS COURT this

30th day of November, 2021.


 SCOTT ROWLAND, Presiding Judge


 ROBERT L. HUDSON, Vice Presiding Judge


 GARY L. LUMPKIN, Judge


 DAVID B. LEWIS, Judge

ATTEST:



Clerk

PA